

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO. _____
v.	:	DATE FILED: _____
DIONCIO GOMEZ	:	VIOLATIONS:
OSCAR MONEGRO,	:	21 U.S.C. § 846 (conspiracy to distribute
a/k/a “Jose Figueroa,”	:	and possess with intent to distribute 500
a/k/a “Javier Rivera”	:	grams or more of cocaine - 1 count)
	:	21 U.S.C. § 841(a)(1) (distribution of 500
	:	grams or more of cocaine - 1 count)
	:	18 U.S.C. § 924(c)(1) (possession of
	:	firearm in furtherance of drug trafficking
	:	- 1 count)
		Notice of forfeiture

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

On or about May 1, 2005, in Philadelphia, in the Eastern District of Pennsylvania,
defendants

**DIONCIO GOMEZ and
OSCAR MONEGRO,
a/k/a “Jose Figueroa,”
a/k/a “Javier Rivera”**

conspired and agreed, together and with Cesar Diaz, charged elsewhere, and others known and unknown to the grand jury, to knowingly and intentionally distribute and possess with intent to distribute 500 grams or more, that is, approximately one kilogram, of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(B).

MANNER AND MEANS

It was part of the conspiracy that:

2. On behalf of defendants DIONCIO DIAZ and OSCAR MONEGRO, Cesar Diaz negotiated with an undercover police officer (UC) for the purchase of one kilogram of cocaine for \$21,500.

3. Defendants DIONCIO DIAZ and OSCAR MONEGRO arrived at a meeting with UC in possession of approximately one kilogram of cocaine with the intent to distribute the cocaine to UC for \$21,500.

OVERT ACTS

In furtherance of the conspiracy, the defendants, and others known and unknown to the grand jury, committed the following overt acts, among others, in the Eastern District of Pennsylvania:

On or about May 1, 2005:

1. Cesar Diaz met UC in the 2700 block of Palethorpe Street at approximately 9:15 p.m. and negotiated the sale of one kilogram of cocaine for \$21,500.

2. Cesar Diaz demanded that UC show him the money UC intended to use to purchase the cocaine, then Diaz placed a telephone call to an unidentified individual. During the telephone call, Diaz said, "it is okay" and told the listener that he and UC were located in the 2700 block of Palethorpe Street, next to a store.

3. Within minutes of Cesar Diaz's telephone call to an unidentified individual, defendant OSCAR MONEGRO and an unidentified male arrived in the 2700 block of Palethorpe Street, briefly met with Diaz, then defendant MONEGRO got into UC's car and

engaged in a conversation about the sale of one kilogram of cocaine for \$21,500. At the end of the conversation, defendant MONEGRO told UC that he would be back with the cocaine.

4. At approximately 9:45 p.m., defendant OSCAR MONEGRO returned to the 2700 block of Palethorpe Street and told UC that “the man” wanted to do the deal at the house, but UC demanded that the transaction take place where he was on Palethorpe Street.

5. At approximately 10:10 p.m., defendant OSCAR MONEGRO returned to the 2700 block of Palethorpe Street and told UC to follow defendant MONEGRO and Cesar Diaz to a red minivan which was parked in the 2700 block of Hancock Street.

6. Defendant OSCAR MONEGRO and Cesar Diaz traveled to the 2700 block of Hancock Street, where defendant MONEGRO entered the front passenger seat of the minivan and Diaz entered the rear passenger area. Within minutes, Diaz emerged from the minivan, approached UC and told UC that they wanted to make the deal in the minivan.

7. Inside the minivan, defendant DIONCIO GOMEZ was seated in the driver’s seat, demanded to see the \$21,500, and retrieved a plastic bag containing approximately one kilogram of cocaine from the floor area between the driver’s and passenger’s seats and handed the bag to UC.

8. Defendant DIOCIO GOMEZ possessed a loaded Taurus 9mm semi-automatic pistol during the drug transaction.

All in violation of Title 21, United States Code, Section 846.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about May 1, 2005, in Philadelphia, in the Eastern District of Pennsylvania,
defendants

**DIONCIO GOMEZ and
OSCAR MONEGRO,
a/k/a “Jose Figueroa,”
a/k/a “Javier Rivera,”**

knowingly and intentionally distributed 500 grams or more, that is, approximately one kilogram,
of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled
substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(B).

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about May 1, 2005, in Philadelphia, in the Eastern District of Pennsylvania,
defendant

DIONCIO GOMEZ

knowingly possessed a firearm and ammunition, that is, a Taurus 9mm firearm, serial number TTL-03764, loaded with 10 rounds of ammunition, in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, possession with the intent to distribute a controlled substance in violation of Title 21, United States Code, Section 841(a)(1).

In violation of Title 18, United States Code, Section 924(c)(1).

NOTICE OF CRIMINAL FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violations of Title 21, United States Code, Sections 846 and 841(a)(1), set forth in this indictment, defendants

**DIONCIO GOMEZ and
OSCAR MONEGRO,
a/k/a “Jose Figueroa,”
a/k/a “Javier Rivera,”**

shall forfeit to the United States of America:

(a) any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offenses; and

(b) any property constituting, or derived from, proceeds obtained directly or indirectly from the commission of such offenses, including, but not limited to, the sum of approximately \$694.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the property subject to forfeiture.

All pursuant to Title 21, United States Code, Section 853.

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

As a result of the violations of Title 18, United States Code, Section 924(c), set forth in this indictment, defendant

DIONCIO GOMEZ

shall forfeit to the United States of America the firearm and ammunition involved in the commission of these offenses, including, but not limited to:

1. A Taurus 9mm firearm, serial number TTL-03764; and,
2. 10 rounds of ammunition.

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 924(d).

A TRUE BILL:

GRAND JURY FOREPERSON

PATRICK L. MEEHAN
United States Attorney